

1
2 BILL NO. G-95-02-07 (AS AMENDED)

3 GENERAL ORDINANCE NO. G- 11-95

4 AN ORDINANCE amending the Thoroughfare
5 Plan of the City Comprehensive ("Master")
6 Plan by vacating dedicated public rights-of-way thereof.

7 WHEREAS, a petition to vacate public rights-of-way within
8 the City of Fort Wayne (as more specifically described below)
9 was duly filed with the City Planning Commission; and

10 WHEREAS, said Commission duly held a public hearing
11 thereon; and

12 WHEREAS, said Commission has duly forwarded its
13 recommendation to this body approving said petition, and this
14 body having held a public hearing on said vacation as provided
15 in I.C. 36-7-3-12; and

16 WHEREAS, this body concurs in the recommendation of the
17 City Planning Commission.

18 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
19 THE CITY OF FORT WAYNE, INDIANA:

20 SECTION 1. That the petition filed herein to vacate
21 public rights-of-way within the City of Fort Wayne, more
22 specifically described as follows, to-wit:

23 Beginning at the intersection of the North right-of-way
24 line of East Pontiac Street and the East right-of-way
25 line of Radcliffe Drive, said point being 5 feet North of
26 the Southwest corner of Lot #17 in Violand's Addition to
27 the City of Fort Wayne, according to the plat thereof,
28 recorded in Plat Record #2 Page #96 in the Office of the
29 Recorder of Allen County, Indiana; thence West along the
30 North right-of-way line of East Pontiac Street Extended
31 to the West a distance of 40 feet to the West right-of-
32 way line of Radcliffe Drive, said point being the
Southeast corner of Lot "C" in Freuhauf Industrial
Addition to the City of Fort Wayne, according to the plat
thereof, recorded in Plat Book #16 Page #64 in the Office
of the Recorder of Allen County, Indiana; thence North
with a deflection angle to the right of 91 degrees 19
minutes 30 seconds and along the West right-of-way line
of Radcliffe Drive and East line of said Lot "C" a
distance of 637 feet to the Southwest corner of a portion
of Radcliffe Drive (formerly Doyle Drive) previously
vacated and the Northeast corner of said Lot "C"; thence
Southeast with a deflection angle of 117 degrees 14
minutes a distance of 44.97 feet to a point on the West
line of said Violand's Addition and the Southeast corner
of a portion of Radcliffe Drive (formerly Doyle Drive)
previously vacated; thence South with a deflection angle
of 62 degrees 46 minutes and along the West line of

Violand's Addition and the East right-of-way line of Radcliffe Drive, a distance of 615.49 feet to the point of beginning, containing 0.575 acres.

TOGETHER with that certain alley lying between Lots 4 and 5 in the plat of Violand's Addition to the City of Fort Wayne and also so much of that certain alley lying between Lots 5 and 6 of Violand's Addition to the City of Fort Wayne and Lots 113 and 114 in Abbott's Outlots to the City of Fort Wayne as such alleys are recorded and dedicated in Plat Book 7B at page 59 in the Office of the Recorder of Allen County, Indiana.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

Clitus R Edmonds

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

** Public hearing to be held on Tuesday,
the 11th day of April, 1995,
in the Council Chambers.

Sandra E. Kennedy

Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Ross,
and duly adopted, read the second time by title and referred to the
Committee on Ordinances (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, 19____, the _____ day of _____
_____, M., E.S.T.

DATED: 2-14-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds,
and duly adopted, placed on its passage. PASSED lost
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 4-11-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-11-95
on the 11th day of April, 1995

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Don J. Schmitter
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 12th day of April, 1995,
at the hour of 11:30 o'clock 7, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of April,
1995, at the hour of 11:00 o'clock A, M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

BILL NO. G-95-02-07 (AS AMENDED)

REPORT OF THE COMMITTEE ON
REGULATIONS
CLETUS R. EDMONDS - REBECCA J. RAVINE - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of ~~the~~ City Comprehensive ("Master") Plan by vacating dedicated
public rights-of-way thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

<u>Sgt. Talarico</u>	_____	_____	_____
<u>Rebecca Ravine</u>	_____	_____	_____
<u>Mark C. Van Lente</u>	_____	_____	_____
<u>W. Sil</u>	_____	_____	_____
<u>J. Bragdon</u>	_____	_____	_____
<u>Mike Kelly</u>	_____	_____	_____
<u>Donna Day</u>	_____	_____	_____
<u>Cletus R. Edmonds</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED: 4-11-95

Sandra E. Kennedy
City Clerk

#577
1
2 BILL NO. G-95-02-07

3 GENERAL ORDINANCE NO. G-_____

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5 Plan of the City Comprehensive ("Master")
6 Plan by vacating dedicated public rights-of-way thereof.

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9 was duly filed with the City Planning Commission; and

10 WHEREAS, said Commission duly held a public hearing
11 thereon; and

12 WHEREAS, said Commission has duly forwarded its
13 recommendation to this body approving said petition, and this
14 body having held a public hearing on said vacation as provided
15 in I.C. 36-7-3-12; and

16 WHEREAS, this body concurs in the recommendation of the
17 City Planning Commission.

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21 public rights-of-way within the City of Fort Wayne, more
22 specifically described as follows, to-wit:

23 Beginning at the intersection of the North right-
24 of-way line of East Pontiac Street and the East
25 right-of-way line of Radcliffe Drive, said point
26 being 5 feet North of the Southwest corner of Lot
27 #17 in Violand's Addition to the City of Fort
28 Wayne, according to the plat thereof, recorded in
29 Plat Record #2 Page #96 in the Office of the
30 Recorder of Allen County, Indiana; thence West
31 along the North right-of-way line of East Pontiac
32 Street Extended to the West a distance of 40 feet
to the West right-of-way line of Radcliffe Drive,
said point being the Southeast corner of Lot "C" in
Freuhauf Industrial Addition to the City of Fort
Wayne, according to the plat thereof, recorded in
Plat Book #16 Page #64 in the Office of the
Recorder of Allen County, Indiana; thence North
with a deflection angle to the right of 91 degrees
19 minutes 30 seconds and along the West right-of-
way line of Radcliffe Drive and East line of said
Lot "C" a distance of 637 feet to the Southwest
corner of a portion of Radcliffe Drive (formerly
Doyle Drive) previously vacated and the Northeast
corner of said Lot "C"; thence Southeast with a
deflection angle of 117 degrees 14 minutes a
distance of 44.97 feet to a point on the West line
of said Violand's Addition and the Southeast corner

#577

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2 previously vacated; thence South with a deflection angle
3 of 62 degrees 46 minutes and along the West line of
4 Violand's Addition and the East right-of-way line of
Radcliffe Drive, a distance of 615.49 feet to the point
of beginning, containing 0.575 acres.

5 and which vacating amends the Thoroughfare Plan of the City
6 Comprehensive ("Master") Plan and is hereby approved in all
7 respects.

8 SECTION 2. That this Ordinance shall be in full force
9 and effect from and after its passage, any and all necessary
10 approval by the Mayor.

11 _____
COUNCILMEMBER

12 APPROVED AS TO FORM AND LEGALITY:

13 J. Timothy McCaulay
14 J. TIMOTHY MCCAULAY, CITY ATTORNEY

15 ** Public hearing to be held on _____,
16 the _____ day of _____, 1995,
17 in the Council Chambers.
18

19 _____
20 Sandra E. Kennedy, City Clerk
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COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.,

RECEIVED FROM

THE SUM OF

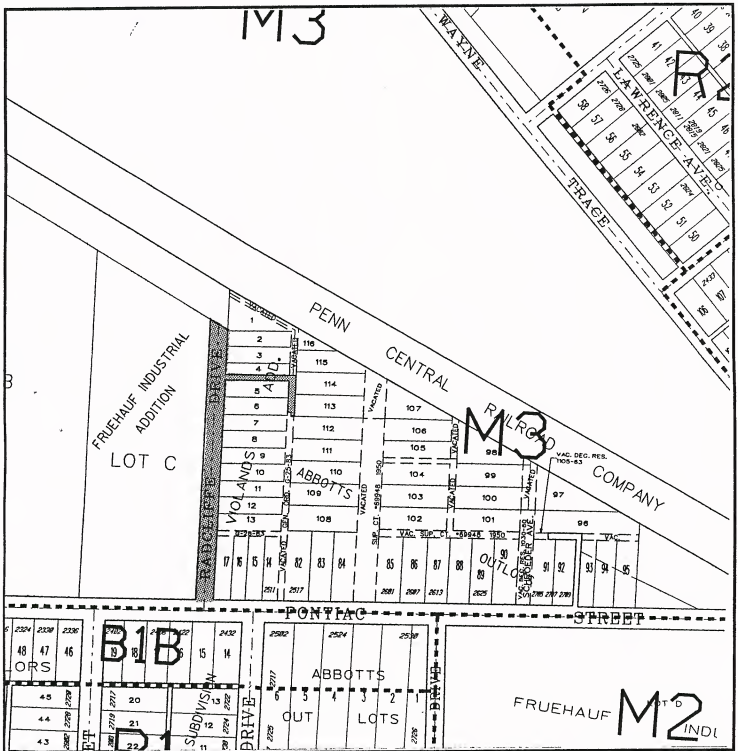
ON ACCOUNT OF

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

VACATION PETITION

AREA MAP

CASE NO. #577



COUNCILMANIC DISTRICT NO. 1

Map No. Q - 3
LW 1-22-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		



Vacation Petition

Community & Economic Development / 1 Main Street Rm. 830
Fort Wayne, IN 46802 / (219) 427-1140

I/We do hereby petition to vacate the following:

☐ Plat or portion of plat

☐ Easement

☒ Public Right-of-Way (street or alley)

More particularly described as follows:

see attached legal description A

(Please attach a legal description of the property)

The reasons for the proposed vacation are as follows:

The public rights-of-way are in an industrial area and are not used
by the public for ingress or egress. The owners of all abutting
property are Fort Wayne Foundry, Pontiac Division, Inc. and
Fruehauf Park, Inc. and both agree to the vacation (see attachment).
(If additional space is needed please attach a separate page)

Property owner(s) name(s): Fort Wayne Foundry, Pontiac Division, Inc.

Street Address: 4912 Lima Road

City: Fort Wayne, State: IN Zip: 46808 Phone: 219-483-0382
(If additional space is needed please attach a separate page)

Applicants Name (if different from above): _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City Plan Commission as those provisions, and policies relate to the handling and disposition of this petition. I/We also certify that this information is true and accurate to the best of my/our knowledge.

Robert E. Kabisch, attorney
for Fort Wayne Foundry,

December 30, 1994

Signature

Pontiac Division, Inc.
900 Courtside Building
803 South Calhoun Street
Address

Date

Fort Wayne, Indiana 46802

City/state/zip

Signature

Printed Name

Date

Address

City/state/zip

(Over please)

Agents Name (Please print legibly): _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

NOTICE:

- Legal description is to be of the area to be vacated and must be complete and correct. If necessary a licensed surveyor's legal description may be required.
- All adjacent property owner's signatures must accompany this application.
- Applicant is hereby informed that in the case of a utility being located in a public way or easement, the applicants may be required to bear the cost of relocation, or of providing a replacement easement or easements as needed.
- Applicant is also hereby informed that the vacation of a subdivision plat does not necessarily vacate any dedicated right-of-way(s) or utility easement(s), nor any restrictive covenants that may apply.

For Office Use Only:

Receipt #:	Date Filed:
Map #:	Reference #:

RADCLIFFE DRIVE - TO BE VACATED

Beginning at the intersection of the North right-of-way line of East Pontiac Street and the East right-of-way line of Radcliffe Drive, said point being 5 feet North of the Southwest corner of Lot #17 in Violand's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record #2 Page #96 in the Office of the Recorder of Allen County, Indiana; thence West along the North right-of-way line of East Pontiac Street Extended to the West a distance of 40 feet to the West right-of-way line of Radcliffe Drive, said point being the Southeast corner of Lot "C" in Fruehauf Industrial Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Book #16 Page #64 in the Office of the Recorder of Allen County, Indiana; thence North with a deflection angle to the right of 91 degrees 19 minutes 30 seconds and along the West right-of-way line of Radcliffe Drive and East line of said Lot "C" a distance of 637 feet to the Southwest corner of a portion of Radcliffe Drive (formerly Doyle Drive) previously vacated and the Northeast corner of said Lot "C"; thence Southeast with a deflection angle of 117 degrees 14 minutes a distance of 44.97 feet to a point on the West line of said Violand's Addition and the Southeast corner of a portion of Radcliffe Drive (formerly Doyle Drive) previously vacated; thence South with a deflection angle of 62 degrees 46 minutes and along the West line of Violand's Addition and the East right-of-way line of Radcliffe Drive, a distance of 615.49 feet to the point of beginning, containing 0.575 acres.

Together with that certain alley lying between Lots 4 and 5 in the plat of Violand's Addition to the City of Fort Wayne and also so much of that certain alley lying between Lots 5 and 6 of Violand's Addition to the City of Fort Wayne and Lots 113 and 114 in Abbott's Outlots to the City of Fort Wayne as such alleys are recorded and dedicated in Plat Book 7B at page 59 in the Office of the Recorder of Allen County, Indiana.

FRUEHAUF PARK, INC.
2001 EAST PONTIAC
P.O. BOX 8925
FORT WAYNE, IN 46898

December 13, 1994

Mr. Chuck Kelley
Fort Wayne Foundry
2509 Pontiac St.
Fort Wayne, In 46803

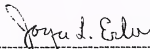
Re: Radcliffe Drive

Mr. Chuck Kelley:

Per our conversation on 12/9/94 regarding working with the City of Fort Wayne to abandon Radcliffe Drive . Fruehauf Park, Inc. has agreed to you handling all the paper work and all cost and Fruehauf Park, Inc. will deed to Fort Wayne Foundry the portion designated by the City of Fort Wayne back to you.

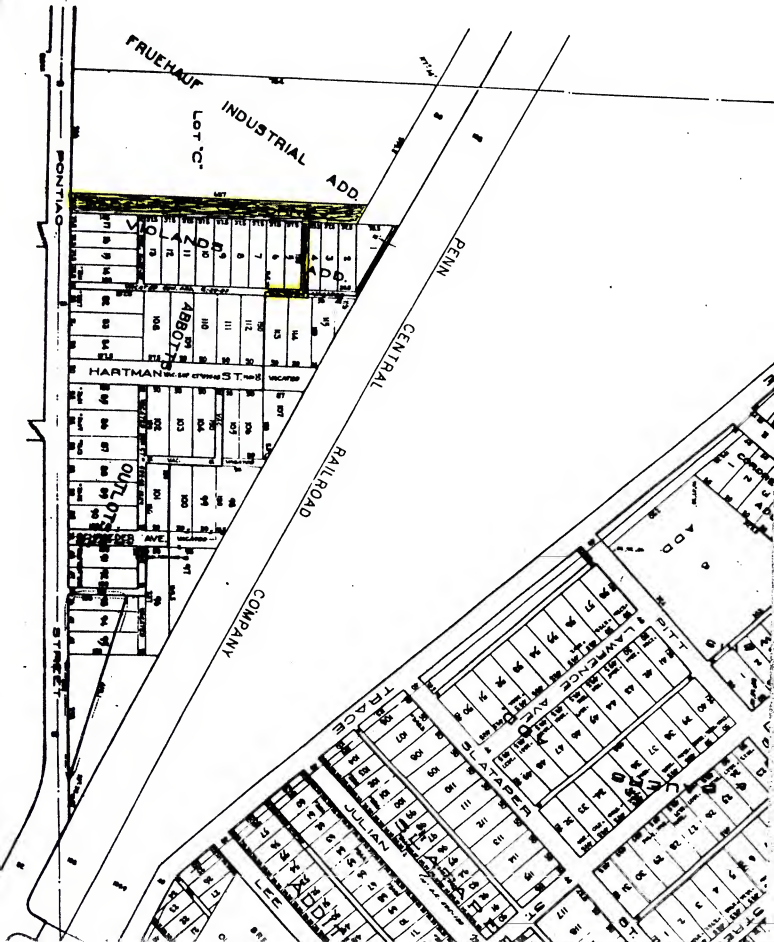
Please proceed as soon as possible.

Sincerely,



Joyce L. Erler, Property Manager
Fruehauf Park, Inc.

C



RESOLUTION 81-157-7

WHEREAS, FORT WAYNE FOUNDRY, PONTIAC DIVISION INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated public rights-of-way situated in Fort Wayne, Allen County, to-wit:

Beginning at the intersection of the North right-of-way line of East Pontiac Street and the East right-of-way line of Radcliffe Drive, said point being 5 feet North of the Southwest corner of Lot #17 in Violand's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record #2 Page #96 in the Office of the Recorder of Allen County, Indiana; thence West along the North right-of-way line of East Pontiac Street Extended to the West a distance of 40 feet to the West right-of-way line of Radcliffe Drive, said point being the Southeast corner of Lot "C" in Freuhauf Industrial Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Book #16 Page #64 in the Office of the Recorder of Allen County, Indiana; thence North with a deflection angle to the right of 91 degrees 19 minutes 30 seconds and along the West right-of-way line of Radcliffe Drive and East line of said Lot "C" a distance of 637 feet to the Southwest corner of a portion of Radcliffe Drive (formerly Doyle Drive) previously vacated and the Northeast corner of said Lot "C"; thence Southeast with a deflection angle of 117 degrees 14 minutes a distance of 44.97 feet to a point on the West line of said Violand's Addition and the Southeast corner of a portion of Radcliffe Drive (formerly Doyle Drive) previously vacated; thence South with a deflection angle of 62 degrees 46 minutes and along the West line of Violand's Addition and the East right-of-way line of Radcliffe Drive, a distance of 615.49 feet to the point of beginning, containing 0.575 acres.

TOGETHER with that certain alley lying between Lots 4 and 5 in the plat of Violand's Addition to the City of Fort Wayne and also so much of that certain alley lying between Lots 5 and 6 of Violand's Addition to the City of Fort Wayne and Lots 113 and 114 in Abbott's Outlots to the City of Fort Wayne as such alleys are recorded and dedicated in Plat Book 7B at page 59 in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated public rights-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated public rights-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated public rights-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated public rights-of-way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, C. JAMES OWEN ^{MEMBER} ~~Director~~ of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held _____ and as same appears of record in the official records of the Board of Public Works.

DATED THIS 8 DAY OF MARCH 1995

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk
Chairman, Board of Public Works

C. James Owen
C. James Owen
Member, Board of Public Works

Terrance P. McCaffrey
Terrance P. McCaffrey
Member, Board of Public Works

RESOLUTION

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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-3-12.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on February 20, 1995 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated public rights-of-way.

WHEREAS, said vacation of dedicated public rights-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated rights-of-way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated rights-of-way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated rights-of-way in Allen County, Indiana.

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, February 27, 1995 and as the same appears of record in the official records of said Plan Commission.

FORT WAYNE CITY PLAN COMMISSION

Carol Kettler Sharp
Secretary

FACT SHEET

G-95-02-07

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Street & Alley Vacation Ordinance

DETAILS

Specific Location and/or Address

Portion of Radcliffe Dr and adjacent alleys.

Reason for Project

Vacated area would allow for better access to the leased area to the west of their business.

Discussion (Including relationship to other Council actions)

20 February 1995 - Public Hearing

Robert Kabisch, attorney for the Fort Wayne Foundry Pontiac Division, appeared before the Commission. Mr. Kabisch stated that Fort Wayne Foundry Pontiac Division has been at this location since 1933. He stated that the only right-of-way that has not been vacated north of Pontiac is this portion of Radcliffe Drive, along with a small "L" shaped alley which branches off Radcliffe Drive. He stated that on one side of Radcliffe Drive is Pontiac Foundry and on the other is Fruehauf Industrial Park. He stated that those are the only abutting property owners affected by this vacation request. He stated that Fruehauf has joined in the petition for the vacation. He stated that the property has no public access use. He stated that it would be well to return it to the private tax role. He stated that this is an area that is completely industrial. He stated that Pontiac Foundry is leasing a part of the Fruehauf property to the west and is also leasing a portion of the old Fruehauf warehouse for its metals division. He stated that this vacation would allow for

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)
Ft Wayne Foundry Pontiac
Division
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff Recommendation

☒ For ☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)

☐ Pass ☐ Other
☐ Pass (as
amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

better access to the portion that is being leased.

Mel Smith questioned if there were any easements in the area to be vacated.

Mr. Kabisch stated that there are no easements that are being used.

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

27 February 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, the Chair did not vote.

Motion carried.

Members Present: Linda Buskirk, Ernest Evans, Thomas Quirk, Dave Ross, Carol Kettler Sharp, Mel Smith

Members Absent: James Hoch, Donald Schmidt, Vicky VerPlanck

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 30 December 1994

Projected Completion or Occupancy

Date 20 March 1995

Fact Sheet Prepared by

Date 20 March 1995

Patricia Biancaniello

Reviewed by

Date 22 March 1995

Reference or Case Number



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

March 29, 1995

Robert Kabisch
900 Courtside Building
803 S Calhoun Street
Fort Wayne, IN 46802


NOTICE OF PUBLIC HEARING ON BILL NO. G-95-02-07 (AS AMENDED)

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, April 11, 1995, at 5:30 P.M., in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana on the following:

Portion of Radcliffe Drive and adjacent alleys
- Vacated area would allow for better access
to the lease area to the west of the business

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL


Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

March 29, 1995

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of April 1, 1995,
in both the News Sentinel and Journal Gazette.


RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-95-02-07 (as amended)
Street and Alley Vacation Ordinance

Please send us 3 copies of the Publisher's Affidavit from both
newspapers.

Thank you.

Sincerely yours,


Sandra E. Kennedy
City Clerk

SEK/ne
ENCL:1

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-95-02-07 (AS AMENDED))

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, APRIL 11, 1995, AT 5:30 P.M., (EST) IN THE COMMON COUNCIL CONFERENCE ROOM 128, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the intersection of the North right-of-way line of East Pontiac Street and the East right-of-way line of Radcliffe Drive, said point being 5 feet North of the Southwest corner of Lot #17 in Violand's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record #2 Page #96 in the Office of the Recorder of Allen County, Indiana; thence West along the North right-of-way line of East Pontiac Street Extended to the West a distance of 40 feet to the West right-of-way line of Radcliffe Drive, said point being the Southeast corner of Lot "C" in Freuhauf Industrial Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Book #16 Page #64 in the Office of the Recorder of Allen County, Indiana; thence North with a deflection angle to the right of 91 degrees 19 minutes 30 seconds and along the West right-of-way line of Radcliffe Drive and East line of said Lot "C" a distance of 637 feet to the Southwest corner of a portion of Radcliffe Drive (formerly Doyle Drive) previously vacated and the Northeast corner of said Lot "C"; thence Southeast with a deflection angle of 117 degrees 14 minutes a distance of 44.97 feet to a point on the West line of said Violand's Addition and the Southeast corner of a portion of Radcliffe Drive (formerly Doyle Drive) previously vacated; thence South with a deflection angle of 62 degrees 46 minutes and along the West line of Violand's Addition and the East right-of-way line of Radcliffe Drive, a distance of 615.49 feet to the point of beginning, containing 0.575 acres.

TOGETHER with that certain alley lying between Lots 4 and 5 in the plat of Violand's Addition to the City of Fort Wayne and also so much of that certain alley lying between Lots 5 and 6 of Violand's Addition to the City of Fort Wayne and Lots 113 and 114 in Abbott's Outlots to the City of Fort Wayne as such alleys are recorded and dedicated in Plat Book 7B at page 59 in the Office of the Recorder of Allen County, Indiana.

ALL INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH THE STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219) 427-1120, TTY (219) 427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY
CITY CLERK

ORIGINAL

ORIGINAL

#577

DIGEST SHEET

TITLE OF ORDINANCE Street & Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Radcliffe Drive north of E Pontiac

Street and south of the Penn Central Railroad tracks along with

the N/S alley between Lots 4 & 5 in Volands Addition and a

portion of alley between Lots 4 & 5 in Volands Addition and

Lots 113 & 114 in Abbotts Outlots.

(as amended)

2-95-02-07

EFFECT OF PASSAGE Property is currently dedicated public

rights-of-way. Property will be vacated and revert to the

ownership and use of the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated public

rights-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

FW COMMON COUNCIL
(Governmental Unit)

To: **The Journal-Gazette** Dr.
P.O. Box 100
Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM**LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

73 lines, 1 columns wide equals 73 equivalent lines
at .33 cents per line

\$ 24.09

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 25.09

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-95-02-07 (AS AMENDED))

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, APRIL 11, 1995, AT 5:30 P.M. (EST) IN THE COMMON COUNCIL CONFERENCE ROOM 128, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the intersection of the North right-of-way line of East Pontiac Street and the East right-of-way line of Radcliffe Drive, said point being 5 feet North of the Southwest corner of Lot #17 in Volend's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record #2 Page #96 in the Office of the Recorder of Allen County, Indiana; thence West along the North right-of-way line of East Pontiac Street Extended to the West a distance of 40 feet to the West right-of-way line of Radcliffe Drive, said point being the Southwest corner of Lot C in Frenshuf Industrial Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Book #16 Page #84 in the Office of the Recorder of Allen County, Indiana; thence North with a deflection angle to the right of 91 degrees 19 minutes 30 seconds and along the West right-of-way line of Radcliffe Drive and East line of said Lot "C" a distance of 637 feet to the Southwest corner of a portion of Redcliffe Drive (formerly Doyle Drive) previously vacated and the Northeast corner of said Lot C; thence South with a deflection angle of 117 degrees 14 minutes a distance of 44.97 feet to a point on the West line of said Volend's Addition and the Southwest corner of a portion of Radcliffe Drive (formerly Doyle Drive) previously vacated; thence South with a deflection angle of 62 degrees 45 minutes and along the West line of Volend's Addition and the East right-of-way line of Radcliffe Drive, a distance of 815.49 feet to the point of beginning, containing 0.575 acres.

TOGETHER with that certain alley lying between Lots 4 and 5 in the plat of Volend's Addition to the City of Fort Wayne and also so much of that certain alley lying between Lots 5 and 6 of Volend's Addition to the City of Fort Wayne and Lots 113 and 114 in Abbott's Duplicates to the City of Fort Wayne as such alleys are recorded and dedicated in Plat Book 78 at page 59 in the Office of the Recorder of Allen County, Indiana.

ALL INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD.

*REASONABLE ACCOMMODATIONS FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH THE STATE AND FEDERAL LAW. ANY PERSON NEEDING A REASONABLE ACCOMMODATION SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219) 427-1120, TTY (219) 427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY
CITY CLERK
#821990

regarding account is just and correct, that the amount or allowing all just credits, and that no part of the

, 19 95

Title:

Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

44-1-1995

Subscribed and sworn to before me this 1st day of APRIL 19 95

Notary Public

MARY L ADKISON
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997

My commission expires:

FW COMMON COUNCIL
(Governmental Unit)
ALLEN County, Indiana

To: **The Journal-Gazette** Dr.
P.O. Box 100
Fort Wayne, IN

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Total number of lines in notice _____

COMPUTATION OF CHARGES

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at .33 cents per line

\$ 24.09

Additional charge for notices containing rule or tabular work
(50 percent of above amount) _____

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) _____

1.00

TOTAL AMOUNT OF CLAIM

\$ 25.09

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: APRIL 1, 19 95

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned **JULIE L ROHYANS** who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of **Fort Wayne, IN** in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time _____, the dates of publication being as follows:

44-1-1995

Subscribed and sworn to before me this 1st day of APRIL, 19 95.

Mary L Adkison
Notary Public

My commission expires: NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997

SANDRA E. KENNEDY
CITY CLERK
#62 1990

FW COMMON COUNCIL
(Governmental Unit)
ALLEN County, Indiana

To: The News-Sentinel
P.O. Box 100
Fort Wayne, IN Dr.

PUBLISHER'S CLAIM

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Beginning at the intersection of the North right-of-way line of East Pontiac Street and the East right-of-way line of Radcliffe Drive, said point being 5 feet North of the Southwest corner of Lot #17 in Violand's Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record #12 Page #86 in the Office of the Recorder of Allen County, Indiana; thence West along the North right-of-way line of East Pontiac Street Extended to the West a distance of 40 feet to the West right-of-way line of Radcliffe Drive, said point being the Southeast corner of Lot C in Freuhauf Industrial Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Book #18 Page #64 in the Office of the Recorder of Allen County, Indiana; thence North with a deflection angle to the right of 51 degrees 19 minutes 30 seconds and along the West right-of-way line of Radcliffe Drive and East line of said Lot "C" a distance of 837 feet to the Southwest corner of a portion of Radcliffe Drive (formerly Doyle Drive) previously vacated and the Northeast corner of Violand's Addition and the Southeast corner of a portion of Radcliffe Drive (formerly Doyle Drive) previously vacated; thence South with a deflection angle of 62 degrees 46 minutes and along the West line of Violand's Addition and the East right-of-way line of Radcliffe Drive, a distance of 515.49 feet to the point of beginning, containing 0.575 acres.

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ALL INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD.

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SANDRA E. KENNEDY
CITY CLERK
#821990

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19 95 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time , the dates of publication being as follows:

4-1-95
Julie L Rohyans
Subscribed and sworn to before me this 1st day of APRIL, 19 95
MARY L ADKISON Notary Public
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
My commission expires: MY COMMISSION EXP JUNE 14, 1997

FW COMMON COUNCIL
(Governmental Unit)

To: The News-Sentinel
P.O. Box 100
Fort Wayne, IN

ALLEN County, Indiana

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MARY L ADKISON Notary Public
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997

SANDRA E. KENNEDY
CITY CLERK
#821990

My commission expires: